

Enforcement

Any person who is convicted of violating the law **may be fined up to \$1000.00 and/or 40 hours of community service**. It is a violation of the law to either smoke in a prohibited area, or to fail to comply with all provisions of the law.

The owner, operator, or manager must inform any persons who violate the law within their facility that they are in violation. They may do this verbally or by presenting them with a written explanation of the law.

The owner, operator, or manager may ask a violator to leave their facility, or ask any local law enforcement officer to order the violator to leave their facility, but are not required to do so.

The Dutchess County Department of Health is responsible for enforcement of the law. The County Health Commissioner or his/her representative is authorized to issue all notices, orders, and other processes that may be necessary in the enforcement of the law.

Posting of Signs

"No Smoking" signs must be posted at each entrance to every building or facility that is smoke free under this law. Signs are available from the Dutchess County Department of Health.



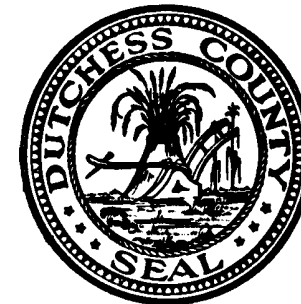
This brochure is for informational purposes only. A full copy of the law is available at:

www.dutchessny.gov/dclegislature.htm

Where a state law and a local law are in effect, the stricter of the two applies.

Dutchess County Clean Indoor Air Law

*Your Guide To
Understanding The Local
Law.*



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Dutchess County Executive

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Dutchess County's Clean Indoor Air Law

Effective January 1, 2003, most indoor and enclosed outdoor public places and places of employment located in Dutchess County are required to become smoke free.

This brochure can be used as a guide to understanding how the law applies in more specific situations, and provides contacts for additional information.

Environmental Tobacco Smoke

Environmental Tobacco Smoke, also known as secondhand smoke, has been linked to lung cancer, heart disease, respiratory infection and decreased respiratory function.

Environmental Tobacco Smoke is designated by the EPA as a class A carcinogen that contains over 4,000 chemicals, some of which are listed below. At least 43 of these chemicals are known human carcinogens.

Tar	Carbon Monoxide
Acetone	Nitrous Oxide
Hydrogen Cyanide	Phenols
Acetic Acid	DDT
Methane	Dieldrin
Ammonia	Stearic Acid
Methanol	Ethanol
Arsenic	Toluene
Naphthalene	Formaldehyde
Butane	Vinyl Chloride
Fluid Nicotine	Mercury
Cadmium	Lead
Nitrobenzene	Hexamine

Source:

United States Environmental Protection Agency
Respiratory Health Effects of Passive Smoking: Lung Cancer and
Other Disorders. Washington D.C.: December 1992

January 2003

Government Facilities

All indoor or enclosed outdoor facilities owned or leased by a government agency are smoke free without exception.

For information, call **(845) 486-3532**.

Recreational / Entertainment Facilities

Under the Dutchess County law, any facility that is considered a Sports Arena or a Spectator Facility is required to be smoke free.

Sports Arena: A Sports Arena is any indoor sports pavilion, including, but not limited to, concourses, gymnasias, health spas, boxing arena, swimming pools, roller or ice skating rink, and other similar places. This term also applies to places where the general public assembles either to engage in physical exercise, participate in athletic or recreational activity or to witness sports, cultural, recreational or similar activities.

Spectator Facilities: A Spectator Facility is any indoor or outdoor facility where members of the general public assemble to view and/or participate in scheduled events involving competitions, exhibitions, entertainment productions, trade shows, conventions or other events established for common purposes.

For information, call **(845) 486-3532**.

Restaurants

Any indoor or enclosed outdoor area of a coffee shop, cafeteria, sandwich shop or private or public school cafeteria, and any other eating establishment which gives or offers for sale food to the public, guests or employees, as well as kitchens in which food is prepared on the premises for serving elsewhere, including catering facilities are all required to be smoke free.

For information, call **(845) 486-3404**.

School Grounds

Tobacco use of any kind is not permitted on school grounds. The Dutchess County Sanitary Code specifies that no one under 18 years of age is permitted to possess or use tobacco products on school grounds.

For information, call **(845) 486-3559**.

Hotels and Motels

Hotels and Motels are required to designate at least 50 percent of all bedrooms as smoke free. The rooms are to be contiguous and kept consistently smoke free.

The owner, operator, or manager must post a notice at the reception area as to the availability, upon request, of smoking or non-smoking rooms. The entry door and interior of all smoking rooms must be properly posted.

For information, call **(845) 486-3404**.

Multiple Dwellings

Any common indoor or enclosed outdoor area of a multiple dwelling is considered a public place, and therefore is required to be smoke free.

For information, call **(845) 486-3404**.

Places of Employment

An employer has the responsibility to provide a smoke free workplace for **ALL** employees. Employers are not required to incur any expense to make structural or other physical modifications.

An employer having any enclosed place of employment must adopt, implement, and make known a written **Smoking Policy**. The policy must include the following:

"Smoking is prohibited in all enclosed facilities within a place of employment without exception. This includes common work areas, auditoriums, classrooms, conference and meeting rooms, private offices, elevators, hallways, medical facilities, cafeterias, employee lounges, stairs, restrooms, vehicles, and all other enclosed facilities."

Employers must prominently post the policy in the workplace, and provide upon request a written copy of the policy to any existing or prospective employee.

Areas in a private residence where a childcare center, health care facility, or other business open to the public is operated are also required to be smoke free.

An employer **cannot** discharge, refuse to hire, or in any manner retaliate against any employee or applicant for employment because that employee or applicant exercises a right to a smoke free environment.

For information, call **(845) 486-3532**.

Not Regulated

Under the provisions of the new Dutchess County law, smoking is not regulated in the following areas:

- Private residences
- Private vehicles
- Tobacco businesses
- Non-enclosed outdoor areas (except as provided otherwise by Article 13-E of the New York State Public Health Law)
- Bars and Taverns
- Private social functions

Bars & Taverns: As defined by the Dutchess County law, "Bar" and "Tavern" means any establishment open to the public, devoted to the sale and service of alcoholic beverages for on-premises consumption, where the service of food is merely incidental to the operation of the business, and for which the sale of food for on-premises consumption does not exceed 40% of annual gross sales. Any "Bar" or "Tavern" that generates 40% or more of total annual gross sales from the sale of food for on-premises consumption shall be a restaurant.

An employee working in a bar or tavern must sign an acknowledgement, provided by their employer upon hiring, that they will be working in a smoking area and that they are aware of the negative health effects of secondhand smoke.

Private Social Function: A Private Social Function is a "By Invitation Only" social gathering under the financial control of a private individual or organization to which the general public is neither invited nor permitted. "By Invitation Only" includes a dues-paying member of an organization accompanied by a guest.